

MESSAGE NO: 4062211 MESSAGE DATE: 03/02/2004

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 0252219
MESSAGE #
(s):

CASE #(s): A-570-855

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 06/01/2001 TO 05/31/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR NON-FROZEN APPLE JUICE CONCENTRATE
FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-855-008,009,010,011)

MESSAGE NO: 4062211

DATE: 03 02 2004

CATEGORY: ADA

TYPE: LIQ

REFERENCE: 0252219

REFERENCE DATE: 09 08 2000

CASES: A - 570 - 855

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PERIOD COVERED: 06 01 2001 TO 05 31 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTIONS FOR NON-FROZEN APPLE JUICE
CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA
(A-570-855-008,009,010,011)

1. AS A RESULT OF A FINAL AND CONCLUSIVE COURT DECISION, THE
INJUNCTION NOTIFIED IN MESSAGE NUMBER 0252219 DATED 09/08/2000 IS
NOW LIFTED. IN ACCORDANCE WITH THE TERMS OF THAT INJUNCTION,
ENTRIES DURING THE PERIOD 06/01/2001 THROUGH 05/31/02, EXPORTED
BY THE MANUFACTURERS/EXPORTERS LISTED BELOW CAN BE LIQUIDATED.

2. THE ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY
FINDING/ORDER ON NON-FROZEN APPLE JUICE CONCENTRATE FROM THE
PEOPLE'S REPUBLIC OF CHINA FOR PERIOD 06/01/2001 THROUGH 05/31/02

HAS BEEN RESCINDED FOR THE BELOW FIRMS. THIS NOTICE OF RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON 12/22/2003 (68 FR 71062). YOU ARE TO ASSESS ANTIDUMPING DUTIES ON THIS MERCHANDISE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION DURING THE

PERIOD 06/01/2001 THROUGH 05/31/02 FOR THE CASH DEPOSIT OR BONDING RATE REQUIRED AT THE TIME OF ENTRY.

MANUFACTURER/EXPORTER	CUSTOMS ID NUMBER
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XIANYANG FUAN JUICE CO., LTD.	A-570-855-009
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XIAN ASIA QIN FRUIT CO., LTD.	A-570-855-008
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SHANDONG FOODSTUFFS IMPORT & EXPORT CORP.	A-570-855-011
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3. FOR ALL SHIPMENTS OF NON-FROZEN APPLE JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA PRODUCED/MANUFACTURED BY THE FIRM BELOW, ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING

THE PERIOD 06/01/2001 THROUGH 05/31/02, ASSESS AN ANTIDUMPING LIABILITY OF THE PERCENTAGE BELOW OF THE ENTERED VALUE.

MANUFACTURER/EXPORTER	CUSTOMS ID	MARGIN
NUMBER	PERCENTAGE	

CHANGSHA INDUSTRIAL PRODUCTS & MINERALS IMPORT AND EXPORT CO.	A-570-855-010	51.74 PERCENT
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4. IF YOU ARE STILL SUSPENDING LIQUIDATION ON ANY ENTRIES OF NON- FROZEN APPLE JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA DURING THE PERIOD 06/01/2001 THROUGH 05/31/02 AFTER APPLYING THE ABOVE LIQUIDATION INSTRUCTIONS, YOU SHOULD NOW LIQUIDATE SUCH ENTRIES AT THE DEPOSIT RATE REQUIRED AT THE TIME OF ENTRY OF THE MERCHANDISE.

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE MERCHANDISE AND PERIOD LISTED ABOVE. FOR ALL OTHER SHIPMENTS OF NON-FROZEN APPLE JUICE CONCENTRATE FROM THE PEOPLE'S REPUBLIC OF CHINA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP

OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G1O1:ART)).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THE INFORMATION CONTAINED IN THIS E-MAIL MESSAGE.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party